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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD

Written statement*/ submitted by the International League for Human Rights, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[3 April 2000]

*/ This written statement is issued, unedited, as received from the submitting non-governmental organization(s).

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The International League for Human Rights is an NGO with special consultative status to ECOSOC, now in its 59th year. It works in partnership with the Memorial Human Rights Center of Moscow, whose representatives work in the armed conflict zone in the Chechen Republic and neighboring regions in the North Caucasus.

The government of the Russian Federation characterizes the current events in Chechnya as a police action, an anti-terrorist operation. However, in fact, a large-scale military campaign is underway in Chechnya, employing artillery, air strikes, and missiles. In the course of this operation, federal forces are storming cities and towns, some of which they are destroying completely. By all criteria, the Chechen conflict corresponds to the universally accepted definition of a non-international armed conflict. But the international community must act, proceeding exactly from this characterization of the Chechen conflict, and analyze the events according to the standards of humanitarian law, under the Second Additional Protocol to the Geneva Conventions.

We concede that the state not only can but at time should use force to protect its citizens. In fact, in 1997-1999, the need arose to counteract the criminal pressure from Chechnya, primarily the kidnappings for ransom. The invasion of armed formations from Chechen territory into Dagestan in August and September 1999 made it an obvious necessity for the government of Russia to take serious measures aimed at securing the safety of Russian citizens. For this purpose, armed force may be used within the limits of the law, with the conditions that it be discriminating, and proportional to the given threat.

However, all the ensuing actions of the Russian federal forces in the North Caucasus contradict the Constitution and law of Russia, and have violated international human rights standards. The practice of restricting the rights and liberties of citizens has been conducted on a massive scale (introducing a curfew, warrantless arrests and searches, etc.) which is permissible only under the conditions of a declared state of a emergency. But the Russian federal government has not declared a state of emergency, thereby removing the actions of the Russian power structures (Interior Ministry, Army, Security) in Chechnya from any kind of oversight.

This is a violation of the International Convention on Civil and Political Rights. Moreover, statutes of the European Convention on Human Rights and Fundamental Freedoms have also been violated: the government of Russia could have only temporarily restricted civil rights if it complied with the procedure under Article 15 for derogation, providing for additional international oversight.

In the course of this conflict, the most egregious violations of human rights and humanitarian law have been committed by both sides of the conflict. However, the scale of victims among the civilian population and the magnitude of the material damage caused by the actions of the federal forces, are incomparably greater. Still, the main point is that the federal forces in Chechnya are the military and police under command of the internationally-recognized government of Russia. The Russian state, in signing a number of international legal documents, undertook the obligation to comply with human rights. That circumstance makes the human rights violations by federal forces particularly grave.

The civilian population is suffering from the disproportionate and indiscriminate use of force by federal troops.

Here is a typical example:

On October 27, 1999, the missiles were fired against the home of the well-known terrorist Shamil Basayev in Grozny. The house was destroyed and four of Basayev's body guards were killed. But also destroyed were no less than five two-storey houses, one five-storey house, and many one-storey houses. Numerous inhabitants were killed or wounded. That type of action has continued throughout all the months of the war.

Villages are subjected to destructive strikes even if Chechen units merely pass through them. Thus in late January and early February 2000, in the village of Katyr-Yurt, which Russian generals had previously declared as a safe area, 200 civilians died as a result of such shelling.

The killing of the civilian population is increased many times because when there are strikes against cities and villages in which there are many civilians, the weapons used are by their nature indiscriminate in action (fuel-air bombs, multirocket launchers, tactical missiles with claster ammunition, and so on). Shelling with such weapon systems has been documented.

Throughout the entire conflict, "humanitarian corridors" for the safe departure of civilians are usually absent. Columns of internally displaced persons leaving Chechnya or fleeing combat zones are often subjected to air strikes and artillery fire.

Instances have been recorded when so-called "mop-ups" of villages (that is door-to-door searches of all homes) have been accompanied by murders and violence against civilians, and looting. This was the case in Alkhan-Yurt in early December 1999, in Staropromyslovsky District in Grozny in January 1999, and also on February 5, 2000, in the settlement of Novvye Aldy outside Grozny. Unfortunately, the Russian military prosecutor, who has been sent reports and complaints about these crimes, is demonstrating a complete lack of desire to seriously investigate them.

There are increasing reports of brutal treatment of detainees in detention facilities (the so-called filtration camps), where the practice of torture is widespread, for the purpose of forcing detainees to admit their cooperation with the separatists.

The Russian authorities are demonstrating disrespect for the right to receive and disseminate information, harshly restricting access to Chechnya by journalists and representatives of NGOS and humanitarian organizations.

Given this situation, it is understandable why hundreds of thousands of people have fled from Chechnya. These forcibly displaced persons live on the territory of Ingushetia under the most severe conditions, lacking the most basic necessities for living. Representatives of the Russian federal government have not ceased their attempts, using various methods, to force these people back to Chechnya.

The International League for Human Rights and Memorial Society call on the UN Commission for Human Rights to pass a resolution condemning the government of the Russian Federation for its massive violations of human rights, committed in the course of the armed conflict in Chechnya. We call for the sending to Russia of special rapporteurs, and for the Russian government to issue an invitation to the special rapporteurs and permit full and unimpeded access to:

1. Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions.
2. Special Rapporteur on Torture
3. Special Rapporteur on Violence against Women
4. Working Group on Arbitrary Detention
5. Special Representative to the Secretary General on Internally Displaced Persons

We request that the reports of these special procedures, along with the High Commissioner's reports and statements, be made at the next session of the Commission on Human Rights.

We are convinced that the massive violations of human rights and international law, committed in the course of the new Chechen war, are so serious that the time has come for the international community to respond seriously to them. In the last Chechen war, the international community displayed a shameful indifference to the massive atrocities. This should not be allowed to happen a second time.